

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-13.081	Developmental Disabilities Waiver Provider Rate Table
59G-13.082	Developmental Disabilities Waiver Services Procedure Codes
59G-13.084	Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table
59G-13.091	Family and Supported Living Waiver Provider Rate Table
59G-13.092	Family and Supported Living Waiver Services Procedure Codes

**PURPOSE AND EFFECT:** The purpose of Rule 59G-13.081, F.A.C., is to establish provider reimbursement rates for the Developmental Disabilities Home and Community Based Services Program. The purpose of Rule 59G-13.082, F.A.C., is to establish procedure codes and maximum units of service for the Developmental Disabilities Home and Community Based Services Program. The purpose of Rule 59G-13.084, F.A.C., is to establish provider reimbursement rates for the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility. The purpose of Rule 59G-13.091, F.A.C., is to establish provider reimbursement rates for the Family and Supported Living Waiver Program. The purpose of Rule 59G-13.092, F.A.C., is to establish procedure codes and maximum units of service for the Family and Supported Living Home and Community-Based Services Program. These rules will establish rates and procedure codes consistent with Legislative Appropriations for FY 2011-2012.

**SUBJECT AREA TO BE ADDRESSED:** These rules will address provider rates, procedure codes and maximum units of service for the Developmental Disabilities Waiver Program.

**RULEMAKING AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 393.0661, 409.906, 409.908 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Tuesday, May 3, 2011, 2:00 p.m.

**PLACE:** Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399. A conference call number will be published on the APD website prior to the workshop for those wishing to attend by telephone.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Leigh Meadows at the Bureau of Medicaid Services, (850)412-4258. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Leigh Meadows, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4258, e-mail: leigh.meadows@ahca.myflorida.com  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NOS.:	RULE TITLES:
61-35.0171	Landscape Architecture: Application for Individual Licensure – Examination or Re-examination
61-35.0172	Landscape Architecture: Application for Licensure of a Business Entity – Certification of Authorization
61-35.0173	Landscape Architecture: Application for Licensure – Endorsement
61-35.0174	Landscape Architecture: Application for Licensure – Certificate of Temporary Authorization or Registration
61-35.0175	Landscape Architecture: Application for Individual Licensure – Reinstate Null and Void License Based on Illness or Undue Hardship
61-35.0176	Landscape Architecture: Application for Individual Licensure – Examination or Re-Examination – Practical Experience Form
61-35.0177	Landscape Architecture: Application for Continuing Education Provider Approval
61-35.0178	Landscape Architecture: Application for Continuing Education Course Approval

**PURPOSE AND EFFECT:** To ease the burden on business by providing revised licensure application forms which have fewer pages and require less information than the prior application forms.

**SUBJECT AREA TO BE ADDRESSED:** Application Forms for Landscape Architecture.

**RULEMAKING AUTHORITY:** 455.203(5), 455.2179(4) FS.

**LAW IMPLEMENTED:** 455.213, 455.2179, 455.271(6)(b), 481.309, 481.310, 481.311, 481.317, 481.319 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-5.0033  
RULE TITLE: Consolidated and Combined Financial Statements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify which entities may file consolidated or combined financial statements.

SUBJECT AREA TO BE ADDRESSED: Clarification for which entities may file consolidated or combined financial statements.

RULEMAKING AUTHORITY: 468.522, 468.525(3)(e) FS.

LAW IMPLEMENTED: 468.525(3)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-5.0033 Consolidated and Combined Financial Statements.

(1) ~~All reviewed or audited financial statements submitted to the Department by Florida licensed employee leasing companies shall be presented in accordance with Generally Accepted Accounting Principles (GAAP), as defined by Rule 61H1-20.007, F.A.C. An employee leasing company or an employee leasing group may submit consolidated audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as the entity exercising control over the entities that are reporting on a consolidated basis is a member of the employee leasing~~

~~company group, or in the case of an ELC license, as long as the entity exercising control is a properly licensed employee leasing company and there are cross guarantees for all entities licensed under Chapter 468, Part XI, Florida Statutes. Consolidation principles provided in Generally Accepted Accounting Principles (GAAP) Rule 61H1-22.003, F.A.C., shall be followed when electing to submit consolidated financial statements. Non-licensed entities may be included in the consolidated statements so long as the foregoing requirements are met.~~

~~(2) An employee leasing company or an employee leasing company group that is a subsidiary or a member of another entity that may otherwise be included in the consolidated financial statements of a parent or a controlling entity, may submit individual reviewed or audited financial statements to satisfy the filing requirements of Section 468.525(3)(e), F.S. An employee leasing company group may submit combined audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as all entities covered in the combined financial statement reports are members of the Florida licensed employee leasing company group. Other entities may not be included in combined financial statements.~~

~~(3) An employee leasing company or an employee leasing company group may be included in the consolidated financial statements of a licensed or non-licensed parent or controlling entity to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as there are Board-approved cross guarantees between the parent or controlling entity and all Florida-licensed employee leasing companies included in such statements.~~

~~(4) A Florida-licensed employee leasing company, employee leasing company group, employee leasing company groups, or any combination thereof, may submit combined audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as there are Board-approved cross-guarantees between all employee leasing companies and all entities covered in the combined financial statement are Florida-licensed employee leasing companies. Other entities may not be included in combined financial statements.~~

Rulemaking Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History—New 5-26-96, Amended 9-5-04, 11-9-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-10.0012  
RULE TITLE: Workers' Compensation Liability Statement

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove duplicate information from the rule text which is already in the associated form.

SUBJECT AREA TO BE ADDRESSED: Duplicate information that is already in the associated form will be removed.

RULEMAKING AUTHORITY: 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.525(3)(e), 468.529 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-10.0012 Workers' Compensation Liability Statement.

Each audited or reviewed financial statement submitted to the Board pursuant to Section 468.525(3)(e), F.S., and Rules 61G7-5.0031 and 61G7-5.0032, F.A.C., shall include a statement, signed by the chief executive officer (CEO) and chief financial officer (CFO) of the employee leasing company as well as the independent certified public accountant (CPA) auditing or reviewing the financial statement, in substantially one of the following forms:

(1) For the period(s) represented in the attached financial statements, we had a guaranteed cost policy for workers' compensation provided by an admitted insurance carrier licensed to do business in the State of Florida. This policy does not have a deductible feature or other retention and is not subject to additional premium or assessment on the basis of claims and loss experience. We have no financial exposure to workers' compensation insurers with respect to policies covering prior periods. Thus, we have no additional liability for workers' compensation that must be presented on our financial statements.

Year End: \_\_\_\_\_  
Signed: \_\_\_\_\_  
CEO CFO  
Date: \_\_\_\_\_ Date: \_\_\_\_\_

Acknowledgment by independent accountants:  
We have examined the above assertion made by management of (employee leasing company) in connection with workers' compensation liability as of \_\_\_\_\_. Our examination was made in accordance with standards established by the American Institute of Certified Public Accountants and, accordingly, included such procedures as we considered necessary in the circumstances.

~~In our opinion, the assertion represented by management referred to above fairly presents, in all material respects, the workers' compensation liability as of \_\_\_\_\_ in accordance with generally accepted accounting principles.~~

\_\_\_\_\_  
CPA Date  
Or,

(2) Workers' compensation constitutes a very significant cost in the operation of an employee leasing company. Many employee leasing companies choose to provide workers' compensation coverage through insurance arrangements that may involve certain retention of risks.

The determination of an appropriate accrual that adequately reflects the cost retained by the employee leasing company is essential to the fair representation of the employee leasing company's financial position and results of operation for the reporting period, in accordance with generally accepted accounting principles.

Ultimate costs for workers' compensation must include a reserve for loss development and a provision for incurred but not reported claims, as determined through the utilization of a variety of generally acceptable actuarial methodologies.

We hereby represent that our financial statements' accrual for workers' compensation is based upon a methodology that accounts for loss development and incurred but not reported claims for the period covered by the attached financial statements, and for all prior periods for which we may have continued financial exposure, as follows:

(a) through (c) No change.

(d) Through other methodologies described in detail on Exhibit A hereto, resulting in a loss development factor of \_\_\_\_\_, which our independent accountants consider adequate to enable them to express an opinion on the financial statements as required by Section 468.525(3)(e), F.S. and Rules 61G7-5.0031 and 61G7-5.0032, F.A.C.

Signed: \_\_\_\_\_ Year End: \_\_\_\_\_  
CEO CFO  
Date: \_\_\_\_\_ Date: \_\_\_\_\_

Acknowledgment by independent accountants:  
~~We have examined the above assertion made by management of (employee leasing company) in connection with the methodology used in determining workers' compensation liability as of \_\_\_\_\_. Our examination was made in accordance with standards established by the American Institute of Certified Public Accountants and, accordingly, included such procedures as we considered necessary in the circumstances.~~

~~In our opinion, the assertion represented by management referred to above presents the methodology used in determining workers' compensation liability as of \_\_\_\_\_~~

\_\_\_\_\_, which fairly presents, in all material respects, the workers' compensation liability in accordance with generally accepted accounting principles.

\_\_\_\_\_  
CPA

\_\_\_\_\_  
Date

Rulemaking Specific Authority 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. Law Implemented 468.525(3)(e), 468.529 FS. History—New 1-17-99, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.0031  
RULE TITLE: Marine Endangered and Threatened Species

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to address the concerns raised by the Joint Administrative Procedures Committee upon review of Rules 68A-27.001, 68A-27.0011, 68A-27.0012, and 68A-27.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Marine Endangered and Threatened Species.

RULEMAKING AUTHORITY: 379.1025 FS.

LAW IMPLEMENTED: 379.2291 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Treasury**

RULE NOS.:	RULE TITLES:
69C-4.001	Purpose
69C-4.002	Scope
69C-4.003	Definitions
69C-4.0035	Procedures for Requesting Approval to Accept Credit Cards, Charge Cards, and Debit Cards
69C-4.004	Standard Contracts with Credit Card Service Providers
69C-4.0045	Convenience Fees
69C-4.009	Annual Reporting to the Chief Financial Officer

PURPOSE AND EFFECT: The proposed rule amendments update the rules to include the acceptance of electronic funds transfers by state agencies and the judicial branch and to incorporate the three standard service provider contracts by reference.

SUBJECT AREA TO BE ADDRESSED: Acceptance of electronic funds transfers by state agencies and the judicial branch.

RULEMAKING AUTHORITY: 215.322(3) FS.

LAW IMPLEMENTED: 215.322 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 6, 2011, 1:00 p.m.

PLACE: 1801 Hermitage Blvd., Room 440-C, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam Gray at (850)413-2783 or Miriam.Gray@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Miriam Gray, Financial Administrator, Bureau of Funds Management, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-2783. The text of the proposed rules is also available on the Department's website: <http://www.MyFloridaCFO.com/LegalServices/ruleHearing>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.:	RULE TITLES:
5M-3.001	Purpose
5M-3.002	Definitions
5M-3.003	Approved Best Management Practices
5M-3.004	Notice of Intent to Implement
5M-3.005	Presumption of Compliance
5M-3.006	Land Application of Animal Wastes
5M-3.007	Record Keeping